

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY RCC)	ORDER GRANTING MOTION
MINNESOTA, INC. AND WIRELESS ALLIANCE,)	BY INTERVENORS TO
L.L.C. D/B/A UNICEL FOR DESIGNATION AS)	SUBMIT A SUPPLEMENTAL
AN ELIGIBLE TELECOMMUNICATIONS)	BRIEF
CARRIER)	TC03-193

On November 18, 2003, the Public Utilities Commission (Commission) received a petition (Petition) from RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a Unicel (RCC) requesting designation as an eligible telecommunications carrier (ETC) for service areas in northeastern and southeastern South Dakota. The service areas proposed by RCC for designation encompass all or portions of ten non-rural Qwest wire centers, as set forth on Exhibit B to the Petition, and all or portions of certain rural telephone companies' study areas, as set forth on Exhibits C and D to the Petition. On November 20, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of December 5, 2003, to interested individuals and entities. On December 16, 2003, the Commission granted intervention to James Valley Cooperative Telephone Company, Union Telephone Company, Stockholm-Strandburg Telephone Company, Venture Communications Cooperative, Interstate Telecommunications Cooperative, Inc., Sioux Valley Telephone Company, PrairieWave Community Telephone, Inc., South Dakota Telecommunications Association, Roberts County Telephone Cooperative Association, RC Communications, Inc., and Alliance Communications Cooperative, Inc.

A procedural schedule was set and the hearing was held on October 13-14, 2004. Briefs were submitted following the hearing.

On March 24, 2005, the Commission received a Motion by Intervenor to Submit a Supplemental Brief regarding the Federal Communications Commission's recently released order regarding ETC designations. See *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. March 17, 2005).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31, including 1-26-18, 1-26-19, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-78, 49-31-81; ARSD 20:10:32:42 through 20:10:32:46, inclusive; and 47 U.S.C. § 214(e)(1) through (5).

On March 29, 2005, the Commission considered the motion. The Commission unanimously voted to grant the Motion by Intervenor to Submit a Supplemental Brief. Intervenor and Staff shall submit their supplemental briefs electronically by noon on April 8, 2005. RCC shall submit its supplemental brief electronically by April 11, 2005. The parties may also address the effect, if any, of ARSD 20:10:32:42. The Commission also noted that it intends to hear oral arguments regarding this docket at its April 12, 2005, meeting. It is therefore

ORDERED, that the Motion by Intervenor to Submit a Supplemental Brief is hereby granted.

Dated at Pierre, South Dakota, this 5th day of April, 2005.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: *Alvin Kalbs*

Date: 4/5/05

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner *dk*